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Attorneys for Plaintiff HP Tuners, LLC

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HP TUNERS, LLC, a Nevada limited liability  
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-WGC

**STIPULATION TO STAY BRIEFING  
SCHEDULE REGARDING HP TUNERS,  
LLC'S MOTION FOR ATTORNEY'S  
FEES CORRESPONDING TO  
SANCTIONS ORDER (ECF No. 141)**

**(First Request)**

Pursuant to Local Rule IA 6-1, Plaintiff HP Tuners, LLC ("HP Tuners" or "Plaintiff") and Defendant Kenneth Cannata ("Cannata" or "Defendant") (together, the "Parties"), by and through their respective counsel, hereby stipulate to stay the briefing deadlines set forth in the Court's Order (ECF No. 141) entered on July 26, 2021 (the "Sanctions Order"). This is the first stipulation to stay the briefing deadline set forth in the Sanctions Order.

1 In the Sanctions Order, the Court granted in part and denied in part HP Tuners' Motion for  
 2 Sanctions against Defendant Kenneth Cannata. ECF Nos. 110, 141. The Court ordered HP Tuners  
 3 to file a motion for attorney's fees by August 29, 2021. ECF No. 141, p. 13. The Court further  
 4 ordered Cannata to file his response by September 2, 2021, and HP Tuners to file its reply by  
 5 September 13, 2021. Id.

6 The parties have filed cross-motions for summary judgment. ECF Nos. 119 and 124. HP  
 7 Tuners' motion for summary judgment and its Complaint seek attorney's fees and costs. See ECF  
 8 Nos. 1 and 119. Given that HP Tuners' claims include attorney's fees and further that it intends  
 9 to re-file its motion for sanctions on the issues which were denied without prejudice as premature,  
 10 HP Tuners anticipates having to file another motion for attorney's fees and costs in the event it  
 11 prevails on its motion for summary judgment, the claims in its Complaint or the anticipated re-  
 12 filed motion for sanctions. It is further likely that fees awarded in connection with this current  
 13 petition for fees would not be payable until the conclusion of this matter.

14 As such, the parties have agreed – subject to this Court's approval of this Stipulation – to  
 15 stay the briefing deadlines for the motion for attorney's fees as outlined in the Sanctions Order and  
 16 seek the Court's approval of this Stipulation. HP Tuners submits that it shall brief the issue of the  
 17 fees awarded pursuant to ECF No. 141 once it is determined whether HP Tuners is entitled to an  
 18 award of fees in connection with its motion for summary judgment, the claims asserted or its  
 19 anticipated re-filed motion for sanctions. Suspension and postponement of briefing of the fees  
 20 issue at this time will potentially avoid duplicative work and HP Tuners respectfully submits such  
 21 stay and continuance is an efficient use of the parties' and judicial resources. The parties stipulate  
 22 to these extended deadlines in good faith and not for the purposes of delay until further order of  
 23 the Court.

24 DATED this 26th day of August, 2021.

25 FLETCHER & LEE

26 /s/ Elizabeth Fletcher, Esq.  
 ELIZABETH FLETCHER, ESQ.  
 27 CECILIA LEE, ESQ.

SHEA LARSEN

/s/ Bart Larsen, Esq.  
 BART LARSEN, ESQ.  
 Attorney for Defendant, Kenneth Cannata

1 MARKS & KLEIN

2  
3 /s/ Andrew P. Bleiman, Esq.  
4 ANDREW P. BLEIMAN, ESQ.  
Attorneys for Plaintiff HP Tuners, LLC

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6  
7 IT IS SO ORDERED.

8 DATED: \_\_\_\_\_

9 HONORABLE WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE